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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,926	04/16/2001	John William Holmes	197-1096	5453

22844 7590 03/30/2007  
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EXAMINER
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MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
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2855

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/835,926

**Applicant(s)**

HOLMES ET AL.

**Examiner**

Eric S. McCall

**Art Unit**

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**METHOD TO INFER ENGINE COOLANT**  
**TEMPERATURE IN CYLINDER HEAD TEMPERATURE**  
**SENSOR EQUIPPED VEHICLES**

**FINAL OFFICE ACTION**

The present application is a reissue of application 09/037,508.

This action is in response to the Applicant's amendment dated Jan. 05, 2007.

**DECLARATION**

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

- (1) The declaration filed on April 16, 2001 cannot be accepted, as the declaration must be signed by all the inventors, since this is a broadening reissue. See MPEP 1412.03, Item V.
- (2) The reissue declaration was filed on April 16, 2001, whereas the claims were substantively amended on Jan. 05, 2007. Consequently, these are additional errors not covered by the filed declaration.

### **DRAWINGS**

In response to the Applicant's amendments, the objection to the drawings as set forth in the previous office action (Oct. 04, 2006) has been overcome.

### **CLAIMS**

#### *Objections*

The claims filed on Jan. 05, 2007 are not in the proper format. Claims in a reissue application are amended with respect to the *patent*, not the previously filed amendment. See MPEP 1453, Part V(D). Amendments in a reissue are governed by 37 CFR 1.173. This is a different procedure from regular applications where the claims must be amended in accordance with 37 CFR 1.121.

The Examiner notes problems with the underlining and bracketing in claims 1 and 19-25.

For example, in claim 1, the Applicant has underlined subject matter that was part of the patented claim 1, bracketed subject matter that was not part of patented claim 1, and not bracketed deleted subject matter of patented claim 1.

Claims 19-25 must be underlined and the bracketed text in claims 19-25 should be omitted since these claims were not previously patented. See 37 CFR 1.173(d) and MPEP 1453.

35 U.S.C. § 112

In response to the Applicant's amendments, the rejection of claims 5-8, 11-13, 16-18, and 21-25 under 35 U.S.C. 112, second paragraph, as set forth in said previous office action has been overcome.

35 U.S.C. § 101

In response to the Applicant's amendments, the rejection of claims 1-8 and 20 under 35 U.S.C. 101 as set forth in said previous office action has been overcome.

Allowable Subject Matter

Claims 1-25 have been found to be allowable over the prior art.

**CONCLUSION**

**THIS ACTION IS MADE FINAL.** The Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

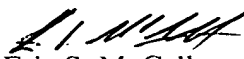
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eric S. McCall  
Primary Examiner  
Art Unit 2855  
March 21, 2007